

the sum that should have been remitted before release"). *Id.* at 898. Failure to pay the initial partial filing fee, and any installment payments the prisoner should have made before his release will result in the dismissal of this case for failure to prosecute.

Section 1915(b)(2) contemplates that a prisoner make installment payments toward the filing fee from his trust account, but a prisoner's release from incarceration means that there is no longer a prison trust account from which to withdraw payments. When a prisoner is released from custody, the court must reconsider his pauper status and determine his ability to continue to make payments toward the filing fee. *Robbins v. Switzer*, 104 F3d at 898.

For the foregoing reasons, the court AFFORDS the plaintiff to and including October 4, 2007, within which to pay the initial partial filing fee of \$16.89, and within which to pay the remainder of the \$350.00 filing fee or advise the court of his current financial situation, and DIRECTS the clerk to forward him a copy of the court's *in forma pauperis* petition for non-prisoners along with this order. Failure to respond to this order may result in this case being dismissed without prejudice and without further notice.

SO ORDERED

Dated: September 7, 2007

S/ROGER B. COSBEY
Magistrate Judge
United States District Court
Northern District of Indiana
Fort Wayne Division